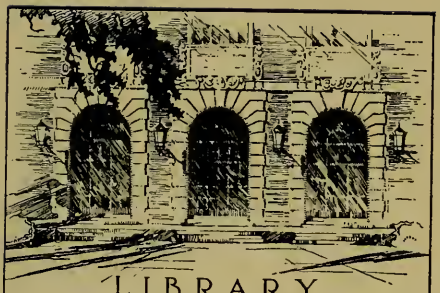

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MR. OSBORNE MORGAN'S BURIALS BILL.

SPEECH

OF THE

RIGHT HON. BENJAMIN DISRAELI, M.P.

IN THE

HOUSE OF COMMONS, MARCH 26, 1873,

ON MOVING THE REJECTION OF THE BILL ON ITS SECOND READING.

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SPEECH, &c.

Mr. Disraeli, on rising to move the rejection of the Bill, said,—I am sorry, Sir, that I must divest this debate of the pomp and ceremony with which the hon. gentleman has clothed it in imputing to me that in the course which I have taken I have been actuated by the highest considerations of party and politics. The truth is, if the House will condescend to recollect what passed last year upon the subject, so far as I am myself concerned, they will see what a slender foundation there is for the conclusion at which in this respect the hon. gentleman has arrived. I was prevented from being present at the debate on the second reading of the Bill last year.

Mr. Morgan: There were six amendments on the paper last year. Was the right hon. gentleman prevented—(Cries of "Order.")

Mr. Disraeli: And I took as early an opportunity as I could of publicly announcing that I should ask the sense of the House on the third reading. That was last year. My opinion was and is that the measure is one of great importance. My opinion was and is that it never had been adequately discussed, nor in an adequate meeting of the House, and this year I found myself not only bound by honour, but impelled by feeling, to fulfil the task which I undertook and sought to fulfil last year. (Hear, hear.) The hon. gentleman complains of the manner in which this Bill was encountered last year by midnight strangulation. Well, Bills are sometimes met by midnight strangulation, but they are also sometimes assisted by morning manœuvres. (Hear, hear, and laughter.) Measures may be passed in a very thin House, and by seizing opportunities of hurrying on a

decision which both the House and the country may afterwards regret.

Now, Sir, the hon. gentleman has called our attention in detail to the provisions of the Bill. I listened with great attention to his comments upon those provisions, and I confess it appeared to me that he slurred over their contents in a manner which to me was not entirely satisfactory. The Bill is distinguished, I think, by three peculiar circumstances. In the first place, it is an attempt—and an attempt made in the latter part of the 19th century—to invest with exceptional and exclusive privileges certain religious bodies and their ministers. The second remarkable circumstance connected with this Bill is that they who are exempted from these privileges are no less considerable a portion of the nation than those who are in communion with the Church of England, and no less important a body than the clergy of that Church. And the third remarkable circumstance is that such a measure should be introduced by an hon. gentleman who professes to be a Liberal. Now, Sir, notwithstanding the manner in which the hon. gentleman referred to, and, as it appeared to me, slurred over, the provisions of his Bill, I think he will agree with me that I have not misrepresented its contents when I state that there are distinctions made between the Nonconformist body and the Church, and that they are all in favour of the Nonconformist body. In the first place, all Nonconformists will have a right to officiate with the mere consent of the relations of the deceased, while on the other hand the incumbent alone will, as at present, have a right to officiate. In the next place, every Dissenter may under the Bill enter a churchyard and officiate by right, while on the other hand no other clergyman but the incumbent can officiate except by permission. The third privilege which it is proposed to grant to Dissenters is this, that all laymen among them may officiate, while no layman may officiate in the Church. The fourth feature of this character is this, that a Dissenter may enter and officiate in any churchyard in his parish, while the right of the clergyman to officiate is confined to the churchyard of his own parish. The fifth privilege

granted to Dissenters is, that under the Bill they are practically unlimited in the services they may use, while the clergyman is rigidly tied up to a prescribed service. (Hear, hear.) I am sorry I must trouble the hon. gentleman with a sixth privilege, which he has provided for Dissenters, but which is not to be assured to the clergyman. The Dissenter has an option, and may leave ungodly and immoral Dissenters to the clergyman (laughter)—the clergyman is compelled to bury in all cases. Now, I must say, without touching the principles of the measure, to which I will in a moment advert, that it does appear to be a most remarkable circumstance that a Bill—introduced with such a continued burst of eloquence as has distinguished the address of the hon. gentleman to-day, inspired as all must feel by a conviction of the peculiarly liberal character of the measure—should contain provisions of a character so abstractedly unjust as those to which I have called the attention of the House. (Cheers.)

Mr. Morgan rose to make an explanation, but was met with cries of "Order."

Mr. Disraeli: Well, but that is not enough. As if it were not sufficient to point out in so marked and painful a manner the different conditions under the intended law of the Nonconformist and his minister and the Churchman and his clergyman, there is a seventh provision which certainly is not the institution of a new privilege, but which contains an arrangement by which the clergyman is compelled to act as clerk to the Nonconformists, to register all their doings, and thus to occupy the inferior position of recording all their proceedings, which, under this Bill, might at least be eccentric. (Hear, hear, and laughter.)

Now, Sir, I think it would be interesting to try and ascertain the association of ideas and the mental and intellectual process by which the hon. gentleman, who believes that he is influenced by most liberal opinions, should have arrived at a proposal which is, as I think I have pointed out to the House, so essentially unjust. How did the hon. gentleman arrive at this proposal? By the common law of this country it would seem that the rights of all parishioners

with respect to burial, whether they be Churchmen or Nonconformists, are identical. (Hear, hear.) The Nonconformist has a right to be buried in the parish churchyard on the same conditions that the Churchman has a right to be buried there. The Churchman enjoys no privilege which the Nonconformist does not enjoy. But then it is said it is a grievance to the Nonconformist that he cannot be buried in the parish churchyard with the rites of his own communion. Well, the Nonconformist has a right to enter the parish church; but what would be said if the Nonconformist, having exercised that right, rose from his bench or pew and said, "I am here in the enjoyment of my right, but I object to the Liturgy which you are about to use?" (Hear, hear.) I can find only one reason for the conclusion at which the hon. gentleman has arrived, and I think I am not misrepresenting him when I say that he himself alleged that reason, and that is, that the fabric of the Church and its consecrated precinct are in fact national property. (Hear, hear.) Although not absolutely declared, I infer from the argument of the hon. and learned gentleman that that is his view on the subject. The nature of Church property is a subject which for generations has occupied the attention of some of the greatest minds this country has produced. Perhaps there is no other subject on which there has been lavished such profound erudition, such deep antiquarian research, and which has excited such a sharp and commanding controversial spirit. Every man who has studied that controversy is fairly entitled to hold opinions of his own on the subject; but whatever may be our conclusions, and however profound may be our convictions with regard to it, it is a subject so vast and so grave, and of necessity so difficult, that we might expect very opposite conclusions to have been arrived at in relation to it. But, Sir, I deny that there is any controversy on this subject between the country and the Nonconformists. Forty years ago the Nonconformists, by means of a new law, acceded to a great increase of electoral power and a corresponding political influence; and they thereupon commenced an agitation—I may almost say "a thirty years' war" (hear, and a laugh)—

against the levying of rates for the maintenance of the fabric of the Church and of the consecrated precincts of the Church. It is unnecessary for me to remind the House of what is a considerable incident in the history of this country—the agitation conducted against the Church-rates by the Nonconformist body. Well, they succeeded at last in their great object. Their case, as it was originally stated, as for years it was sustained with almost matchless energy, with first-rate organisation, and with great eloquence, was this—they said, "The Church is a building which really is devoted to the purposes of only a portion of the nation"—a portion which they then called an Ecclesiastical Sect—"the churchyard is a ground consecrated, which we hold to be a superstitious practice, and we believe that it ought not to be maintained; and, therefore, what can be more unjust than that we should be called upon to pay taxes for the maintenance of a fabric that we don't use, and of a churchyard the character of which we don't approve? and, under these circumstances, we call upon Parliament and the country to relieve us from such a grievance and from such an injustice." Their appeal was ultimately successful. After a struggle of, as I said before, thirty years, Parliament acceded to their wishes. Parliament acknowledged that there was a religious grievance, that it was intolerable, that the Nonconformists were not interested in the maintenance of the fabric of the Church or of the churchyard, and relieved them from the payment of the taxes they complained of. With their relief from those taxes the controversy between the country and the Nonconformists as to the character of Church property ceased (loud cheers); and if ever there took place what I believe would be one of the most unfortunate events that ever occurred in this country—I mean the dissevering of the State from its connection with religion—so far as the position of the Nonconformists is concerned, they can make no objection whatever—they are estopped from ever making any objection—to Churchmen taking their sacred edifices and their churchyards. (Cheers.) I, with many on this side of the House, and I believe with some on the opposite side, opposed the abolition of Church-

rates. I did so because I did not wish to see a source of revenue necessary to the maintenance of the Church abolished, whereby great embarrassment would arise, and injury would result to the Church fabrics in many parts of England, and especially in the rural districts. (Hear, hear.) Of all taxes which were ever imposed upon the nation, the Church-rate was the least unbearable. It was imposed for a public, not to say common object, and by a most popular method—namely, by the decision of the majority. But doubtless it was some compensation to us to think, when the abolition of Church-rates was carried, that it was a public recognition by the State that, whatever might happen hereafter, the churches and the churchyards belonged to Churchmen. Neither did the Nonconformists during that great struggle act without a full knowledge of the consequences that their success would entail. A most eminent member of their body, a very learned lawyer, was so impressed with the folly of their conduct in the position they took up in seeking to relieve themselves from the payment of Church-rates, on the ground that churches and churchyards should be maintained by those who used them, and for whose purposes they alone existed, that he in more than one learned work impressed his convictions upon them, and supported those convictions by ample erudition. I refer to Mr. Toulmin Smith, who, although he may not have been a Selden or a Spelman, was a learned legal antiquary. Upon this subject I hold that he took the right view, and that his conclusions upon it were sound. It cannot, therefore, be said that the Nonconformists rushed into the contest with precipitation, or that they were blind to the necessary consequences of their success in seeking for such a long series of years to obtain the abolition of Church-rates. Having taken up their position, they must abide by its consequences. If the churchyards are national property, let the nation support them. (Cheers.) If they are national property, re-impose the Church-rates (loud cheers), and let the dissenters pay up all arrears which unquestionably are due to the country. (Cheers and laughter.) I am perfectly

willing myself to rest the whole of my opposition to this measure upon that case. By the abolition of Church-rates, and by throwing the maintenance of the fabric of the churches and of the churchyards upon Churchmen, the Nonconformists have placed themselves in such a position that they are not justified in interfering with the conditions upon which they are allowed to use churchyards. If I pursue the subject further it is only because I do not wish to avoid any topic which has fairly been brought before the House. I must say in passing that there is not merely a legal inconsistency in the conduct of the Nonconformists in their treatment of the question, but there is a sentimental one which I think ought to be noticed. The Nonconformists originally objected to churchyards because they were consecrated, which they said was an act of superstition; and, no doubt, making every allowance for the great increase in the population of the country, and other circumstances, it is mainly to the energy of the Nonconformists, and to their prejudices against burial in consecrated ground, that the institution of public cemeteries in this country on so large a scale has taken place. But, having established these great public cemeteries, the Nonconformists want to go back to the consecrated grounds (cheers); and on what plea? It is a plea that touches every heart — it is that they may be buried in the same locality where their fathers and their relatives have been buried. But they quite appear to forget that in coming back to the consecrated ground they leave the unconsecrated ground of the cemetery which they have used for a generation, and in which also lie the remains of their relatives. This appears to me to be an inconsistency on the part of the Nonconformist body which it is not easy to explain.

But, passing on, I wish now to consider the question without reference to what I have urged, and in its more abstract character as a religious grievance. If there be a grievance, the House of Commons ought to consider it; and if there be a religious grievance, a wise statesman will not disregard it. But, in the first place, we must

satisfy ourselves as to what we are doing. It is no use for an hon. member to come down here and to tell us stories, which may be true or untrue, which he has read in the *Tunbridge Wells Gazette* (hear, hear, and laughter), and to ask us to alter the ancient laws of England upon an authority like that. So far as I could collect from the narrative contained in the *Tunbridge Wells Gazette*, it relates, if true, to what would only be the act of a foolish clergyman doing something which was essentially illegal; and are we to be asked to change the whole laws of this country because a foolish clergyman does something illegal? (Hear, hear). If there be a grievance, let us ascertain in the first place what it is, and then let us ascertain its extent. If we are to change the laws of this country on a subject of some magnitude, let us have before us ample and authentic information. If I were to adopt the statement, and if I were to be guided in my vote by the statement, of the hon. and learned gentleman I should believe that, out of 13,800 parishes in England, in 12,400 there is no accommodation for the burial of any Dissenter. Is it possible that such is the case? Is it possible that society could exist or civilization could go on if such a fact were correct? In such a matter we ought to have adequate returns. The hon. gentleman says he has been four years engaged in the enterprise of changing the law upon burials. He says that during that time I have generally been absent, and always silent. But if I had been here on every occasion and listened with the utmost attention to the hon. and learned gentleman, so far as I can judge from his speech to-day, I should not have obtained much information on the subject. (Much laughter.) I came down here to pay the utmost attention to his statement; but, though the hon. and learned gentleman quoted all sorts of anonymous authorities, from *The Times* down to the *Tunbridge Wells Gazette* (renewed laughter), I have been able to obtain no information whatever of an authentic character. Now, I apprehend if the Nonconformists represented by the hon. and learned gentleman who has been engaged in an enterprise, which, accord-

ing to the hon. and learned gentleman's account, has taken up four years (a laugh), desired, they might have obtained this information :—1. Returns as to the number of Nonconformist burial-grounds in each parish ; 2. As to the number of public cemeteries with unconsecrated ground in each parish ; 3. As to the number of Dissenting chapels in each parish, and in what parishes there are none. (Hear, hear.) If the hon. and learned gentleman had given that information, we should have been able to arrive at some conclusion. The returns on the table of the House in connection with burials are very incomplete and extremely partial in the slight information which they afford, and I think that both sides of the House will agree in this, that we should be able to legislate with much greater satisfaction to ourselves, and I am sure to the country, if we had the information before us which I have indicated in the three returns I have named. It so happens that there is a body in this country who have endeavoured to make these researches. I am not going to found any argument, so far as the principle of the Bill is concerned, upon these researches, the result of which is in my possession, because they are not complete and they are not official. Therefore, so far as the principle of the Bill is concerned, or any principles involved in it, I base no argument upon them. But these returns, from the respectable character of the body that instituted the queries, and the official character of the persons who answered them, are extremely valuable. I think they will show that there is upon this subject a great deal of information of which we are ignorant, and, therefore, that it becomes incumbent on Parliament to take steps to obtain complete and official returns. I place those which I possess before the House with no other view than that. I ask no gentleman to arrive at any conclusion from these returns ; but I ask him respectfully to listen to them. I shall put them very briefly before the House, which I am sure will see that in this matter we are called on to act with that ample information which Parliament should always possess. Now, these returns were made under the three heads which I have mentioned, and were obtained by the Church Defence Insti-

tution—a body which, though there may be many persons who will not agree with it, all will acknowledge to be composed of most respectable persons, animated by a high sense of duty. They have applied themselves to the effort of obtaining authentic information, and have addressed three queries, which I have put under the form of returns, to the rural deans of England, a body between 700 and 800 in number. They have succeeded in obtaining a great many returns, and the House will regret that they have not obtained more. They have returns from 6,200 parishes out of 13,800. By these it appears that there are in these 6,200 parishes 8,200 dissenting chapels with 1,627 burial-grounds—*i.e.*, one chapel in five has a burial-ground. And yet the hon. and learned gentleman argued the whole case to-day as if there were nothing but churchyards and public cemeteries, which last are of modern institution. (Hear, hear.) But, besides these, there are in these parishes 421 public cemeteries with unconsecrated ground, increasing every year with more extended areas, and now averaging one for every 14 parishes. (Hear.) Now, the House will see at once this represents a state of affairs which, so far as the speech of the hon. and learned gentleman is concerned,—and we know he has been been considering his speech for at least four years (laughter),—appears to have been completely veiled. (Hear, hear.) The question of Nonconformist graveyards seems never to have occurred to the hon. and learned gentleman, although we may fairly presume that at this ratio there cannot be less than 4,000 places of dissenting sepulture in England.

But what I think very important in connection with this matter are the returns from the Principality in which the hon. and learned gentleman has peculiar interest. I come first to the diocese of Llandaff. There are returns from 132 parishes in that diocese, showing that there are 103 burying-grounds for 238 chapels, the deficiency being supplied by 11 public cemeteries. That is the state of affairs in the diocese of Llandaff, with which if I were a Nonconformist and contemplated my burial I should be tolerably content. (Much laughter.) In the diocese of St. David's there are 165 parishes

with 345 chapels and 209 burial-grounds. In one of the rural deaneries the proportion rises as high as 17 burial-grounds for 18 chapels, and to complete this wealth of burial-grounds there are 16 public cemeteries. (Hear, hear, and a laugh.) We could hardly suppose from the speech of the hon. and learned gentleman that was the state of the Principality with which he is so familiarly acquainted. Unfortunately, the returns from the other Welsh dioceses are very meagre; but I beg the House to remember what I said, that I am not founding any argument against any principles of the Bill on these returns. But I think they show that it is our duty to obtain complete and official information. (Hear, hear.) But although the returns from St. Asaph are meagre, still here is one which is striking, and that is from the Rural Dean of Welshpool. In the rural deanery of Welshpool there are 14 parishes, containing 59 chapels, 11 Nonconformist burial-grounds, and two public cemeteries. The whole population of these parishes is only 15,000, and deducting, according to the Nonconformist principle, one in five for the Church, we have a probable death-rate among Nonconformists of 250 per annum, and as many as 13 graveyards to receive their dead. (Laughter.) Now, I do maintain that if these returns be accurate—and the inquiry was instituted by a body of noblemen and gentlemen whose character is above all reproach, and the returns made by gentlemen in a high official position—namely, the rural deans of England and Wales—I say if these returns are accurate, and no one can doubt them—I could almost pledge myself to their accuracy, although the House knows as much about them as I do—the result is entirely contrary to the impression which the speech of the hon. and learned gentleman was intended to produce; and proves that, before we make a change of this character, we should have information to guide the House of Commons and satisfy the country that we were not acting in the dark and according to the transient passion of a minority of the population. (Cheers.)

Let me refer to one other subject. I confess a convic-

tion has been produced in my mind by the information I have quoted that, if a grievance exists at all, it must be a very minute grievance, and that it does not warrant the vast change which the proposition of the hon. and learned gentleman involves. But is there even a minute grievance? I wish to discuss the matter with my Nonconformist friends with the utmost fairness. Now, view it in this way. Even if a minute grievance is alleged, it is founded on the abstract assumption that there is a prejudice among Dissenters against the occasional use of a Church Service. Now, that is a pure assumption. I won't appeal to the individual experience of gentlemen on either side of the House; if I did I am sure they would tell me that in their parishes there is not the slightest difficulty in the matter. Dissenters raise no objection, and often even express a wish for the offices of the Church. We know, notwithstanding what the correspondent of the *Tunbridge Wells Gazette* wrote (a laugh), that there is generally a feeling of mutual respect and affection between the incumbent of the parish church and the Dissenters; that there are relations of intimacy and confidence between them, and offices are rendered social and even religious of inestimable character. Look at the evidence upon our table, as to the occasional use by the Dissenters of the offices of the Church. Look at the returns of marriages in England. (Hear, hear.) Observe that 75 per cent. of the marriages are solemnized according to the rites of the Church of England. (Hear, hear.) It is perfectly clear that of these 75 per cent. a very large proportion must be Nonconformists. We all know that a Dissenter is generally by choice married in Church. (Hear.) Is the Burial Service more calculated to give umbrage to the Nonconformist than the Marriage? Of all Church services the Burial Service would seem of most general and solemn sympathy. Therefore, I cannot admit that Nonconformists have even a minute grievance to complain of. But I have argued the case with regard to grievance totally irrespective of the principles on which I have objected to this measure. I object to this measure because I think after the Nonconformist body, by a ceaseless agitation and a per-

severing energy which does them credit, induced the Parliament of England to free them from the obligation to pay Church-rates, on the ground that they had no connection with the fabric or the churchyard, all necessary connection between the Church and the churchyard, so far as Dissenters are concerned, ceased; and if they will use them—I wish they would use them more—they must use them, upon every principle of law and equity, on the conditions imposed by those to whom they belong. (Cheers.) And now, before sitting down, I would make one remark to my Nonconformist fellow-countrymen on this matter. About forty years ago an Act was passed in this country—the Reform Act of Lord Grey—which invested the Nonconformist and Dissenting bodies in this country with great power. Whether it was intended or not it is unnecessary now to consider, but there is no question that they gained a preponderance of electoral and political power under that Act—I must say out of proportion to their population and their wealth—I will not say to their intelligence and public spirit, for they have always been distinguished in those respects. That power which they gained forty years ago they have used with great energy and with admirable organisation. I do not for a moment pretend to say that there have not been many instances in which they have used it wisely. So long as they maintained toleration, so long as they favoured religious liberty, so long as they checked sacerdotal arrogance, they acted according to their traditions, and those traditions are not the least noble in the history of England. But they have changed their position. They now make war, and avowedly make war, upon the ecclesiastical institutions of the country. (Hear, hear.) I think they are in error in pursuing that course. I believe it is not for their own interest. However ambiguous and discursive may be the superficial aspects of the religious life of this country, the English are esentially a religious people; and I am much mistaken if there be not, even among those who may be apparently in careless communion with its rites, a feeling of reverence and affection for the Church. (Cheers.) They look upon it instinctively as an institution which vindicates the spiritual nature of man, and as a City of Refuge in the strife and

sorrows of existence. (Loud cheers.) I want my Nonconformist friends to remember that another Act of Parliament has been passed affecting the constituencies of England since the Act of 1832. It appeals to the heart of the country. It aims at emancipation from undue sectarian influence; and I do not think that the Nonconformist body will for the future exercise that undue influence upon the returns to this House which they have now for 40 years employed. (Much cheering.) I address gentlemen of great acuteness, and, though they may not touch upon the subject themselves, I dare say there is more than one member present who has, perhaps, the same opinion as myself upon that subject. (Hear, hear.) Let them not be misled by the last General Election. The vast majority arrayed against us was not returned by the new constituencies. It was the traditional and admirable organization of the Dissenters of England that effected the triumph of the right hon. gentleman. (Cheers.) They were animated by a great motive to enthusiasm. They saw before them the destruction of a Church. (Hear, hear.) I do not think that at the next appeal to the people the Nonconformist body will find that the same result can be obtained. (Cheers.) I say not this by way of taunt, certainly not in a spirit of anticipated triumph. I say it because I wish the Nonconformist body to pause and think, and to feel that for the future it may be better for them, instead of assailing the Church, to find in it a faithful and sound ally. (Cheers.) There is a common enemy abroad to all Churches and to all religious bodies. (Hear, hear.) Their opinions rage on the Continent. Their poisonous distillations have entered even into this isle. (Cheers.) We see ancient dogmas, thrice refuted, dressed up again in the garb of specious novelty, and again influencing the opinions of men. What I want to see is a cessation of this war between the Nonconformist body and the Church of England. (Cheers.) Let them be allied against the common enemy, and resist the influence of those who, if successful, will degrade man and destroy civilization. (Great cheering.)

The right hon. gentleman concluded by moving that the Bill be read a second time this day six months.